

REMARKS

Applicant respectfully requests reconsideration of this application. Claims 24-47 are pending. Claims 24, 38, 43, and 46 have been amended. No claims have been cancelled or added. Therefore, claims 24-47 are now presented for examination.

35 U.S.C. §103 Rejection,

Thompson and Metz, Jr., et al.

The Examiner has rejected claims 24-28 and 30-47 under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,392,404 of Thompson (hereinafter “Thompson”), U.S. Patent No. 5,448,701 of Metz, Jr., et al. (hereinafter “Metz”) and material alleged to be admitted prior art.

The Applicant hereby submits that prior arguments provided in the previous Office Action response remain relevant and thus hereby resubmits such arguments. In addition, the Applicant respectfully submits the following:

As indicated in the prior response, Applicant submits that the references, alone or in combination, do not provide the elements of the claims. With regard to Claim 24, the references do not teach or suggest issuing a preemption signal, determining whether to allow preemption of read data based at least in part on pending read requests, temporarily halting read data transfer, and resuming the read data transfer.

The prior Office Action discusses the temporary halt of read data, indicating that “Thompson discloses transferring control; the read data is within the scope of Thompson’s control. Thus, the halting of the transfer of read data is anticipated by Thompson.” It is submitted that this does not indicate any teaching of the subject matter of the claims by **Thompson**. Simply showing preemption by an agent is not relevant to

the claims presented here. Claim 24 provides for *temporarily* halting the read data transfer, transferring a read data request from the second agent to the first agent, and *resuming* the read data transfer. The Office Action simply refers to transferring control of a bus, which is insufficient to teach or suggest the elements of the claims.

With regard to a preemption determination based in part on pending read requests, the Office Action states that “Thompson discloses that preemption is decided based on the predetermined priority (column 4, lines 40-49); thus, each request has a priority, therefore Thompson determines the preemption of the current bus control based at least in part on the pending request.” It is respectfully submitted that the Office Action misinterprets Thompson or the claims. In this regard, it is first noted that clarifying amendments have been made to claims 24, 38, 43, and 46 regarding pending requests. For example, claim 24 is amended to clarify that there is a determination whether to allow preemption of the read data based at least in part on pending read requests *for the first agent*.

As indicated by the Office Action, Thompson discusses priority of access, indicating that arbitration channels are assigned a predetermined priority to determine the priority of access that a particular I/O device has to the system bus. (Thompson, col. 4, lines 42-45) This provision provides only that I/O devices have certain priorities of access to the system bus. This does not teach or suggest a determination whether to allow a temporary preemption of transfer by a first agent based on pending read requests. More specifically, there is no suggestion of a determination whether to allow preemption for the purpose of a transfer by a second agent based on pending read requests *for the first agent*.

Further, in the relevant provision Thompson provides that the priorities are *predetermined*. Claim 24 instead provides that there is a determination based on *pending data requests*, which are, therefore, not predetermined. Thompson relates to certain predetermined priorities, while claim 24 relates to a determination based at least in part on the state of pending read requests.

Metz is also cited by the Examiner. Metz discusses a flow controller for selecting a resource to access a shared bus. Metz specifically discusses the concept of the state of certain buffers. For example, Metz provides for determining if an input buffer is almost full and if there is an output buffer that will accept the data, with the appropriate adapters being granted access to the bus. (Metz, col. 3, lines 54-60)

The prior Office Action states that “Furthermore, Metz discloses a system handling tasks in their dynamically adjusted priorities; thus, Metz discloses a system handling tasks in the order of their associated priorities and the preempted task will be handled accordingly to its ranked priority; therefore, Metz teaches that resuming a previously preempted task is a well-known practice in the computer art.” It is submitted that this statement is inaccurate as it is unclear how Metz, by disclosing a system in which certain tasks are handled in priority thereby teaches that resuming a previously preempted task is a well-known practice. Further, it is submitted that, whether or not this subject matter is shown by Metz, this does not show the elements of the claims. Claim 24 does not simply provide for resumption of a task. Claim 24, among other elements, provides for issuing a preemption signal, determining whether to allow preemption of read data based at least in part on pending read requests, temporarily halting read data transfer, and resuming the read data transfer.

For at least the above reasons, the elements of claim 24 are not taught or suggested by the cited references. It is submitted that the above arguments are also applicable to the elements of the remaining independent claims, claims 30, 38, and 43. The remaining claims are dependent claims and are allowable because they are dependent on allowable base claims.

35 U.S.C. §103 Rejection,

Thompson, Metz, Jr., et al. and Leger, et al

The Examiner has rejected claim 29 under 35 U.S.C. §103(a) as being unpatentable over the combination of Thompson, Metz, U.S. Patent No. 5,771,356 of Leger, et al. ("hereinafter Leger"), and material alleged to be admitted prior art.

Leger has been discussed in the previous Office Action response. Leger provides for data transfer management for a FIFO buffer to control I/O data transfer across a CPU bus to and from peripheral devices. (Leger, col. 1, lines 7-11) The discussion includes means for acquiring control of a system bus based on status of the system bus and status of the FIFO buffer. (Leger, col. 2, lines 30-35)

There is no discussion in Leger regarding temporary preemption or what may occur after a device or agent obtains temporary control of a bus. There is no suggestion regarding temporarily halting read data transfer, transferring a read data request, and resuming the read data transfer. For at least this reason, Leger does not teach or suggest the elements of the claims that are missing from the other cited references, and the rejected claim 29 therefore is also allowable.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

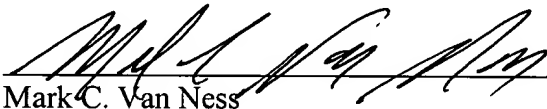
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 10/28/03



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